

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TIVO INC., a Delaware corporation)	Case No. 2-04CV-01 (Judge Folsom)
Plaintiff,)	
vs.)	
1. ECHOSTAR COMMUNICATIONS)	
CORPORATION, a Nevada corporation,)	
2. ECHOSTAR DBS CORPORATION, a)	
Colorado corporation,)	
3. ECHOSTAR TECHNOLOGIES)	
CORPORATION, a Texas corporation, and)	
4. ECHOSPHERE LIMITED LIABILITY)	
COMPANY, a Colorado limited liability)	
company,)	
Defendants.)	
_____)	
AND RELATED COUNTERCLAIMS)	
_____)	

**TIVO'S REPLY TO ITS MOTION *IN LIMINE* NO. 4: ECHOSTAR MAY NOT OFFER
EVIDENCE OR ARGUMENT, OR MAKE OTHER SUGGESTIONS, INCONSISTENT
WITH THE COURT'S CLAIM CONSTRUCTION RULINGS**

TiVo disagrees with the arguments EchoStar presents in its Opposition to TiVo's Motion in Limine No. 4. Nonetheless, in the interest of minimizing the burden on the Court, TiVo does not present additional argument in Reply but instead rests on the briefing provided in its Motion In Limine No. 4.

Dated: September 14, 2005

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing document was served on all parties by electronic filing and electronic and paper service on the 14th day of September 2005.

By: /s/ Michelle Armond
Michelle Armond